

REMARKS

I. Introduction

Applicants have amended claim 1 to incorporate the limitations of claims 2 and 3 in order to further clarify the scope of the present invention. Claims 2 and 3 have been cancelled, without prejudice. In addition, claims 4-6 have been amended to reflect proper claim dependency. No new matter has been added.

For the reasons set forth below, Applicants respectfully submit that all pending claims are patentable over the cited prior art references.

II. The Rejection of Claims 1-6 8, 9 And 11 Under 35 U.S.C. § 102/103

Claims 1, 8, 9 and 11 were rejected under 35 U.S.C. § 102 as being anticipated by Hashiguchi et al. (JP Pub. No. 62-234878). In addition, claims 2-5 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hashiguchi in view of Calsonic Corp. (JP 08-022845). As claims 2 and 3 have been incorporated into claim 1, Applicants will address the rejection of claim 3, as claim 3 was originally dependent upon claims 1 and 2. Applicants respectfully submit that Hashiguchi fails to anticipate the pending claims for at least the following reasons.

With regard to the present invention, amended claim 1 recites a battery storing device comprising: a battery storing section that can store a battery inside and has a heat retaining function of retaining heat of the battery that is stored inside using vacuum heat insulating material; a heat retention releasing mechanism for releasing the heat retaining function; and an independent discharge circuit capable of being directly coupled to the battery, wherein the heat retention releasing mechanism opens and closes an opening for making air flow between the

inside and outside of the battery storing section; and said independent discharge circuit can perform discharge independently from the charge/discharge operation of a main circuit.

In other words, the battery of the present invention comprises two different temperature controlling elements. One temperature control element is the heat retaining mechanism and heat releasing mechanism, characterized in Fig. 1 by the battery storing section 30, the opening/closing lid body 6, the opening 5, magnetic material 7, electric magnets 8, 9, temperature detector 20 and controller 21. The other temperature control element is the independent discharge circuit composed of a PTC device 17, resistance device 18 and switch device 19 controlled by the controller 21. The independent discharge device is separate from the heat retaining/releasing mechanism, and can perform discharge independently from the charge/discharge operation of the main circuit.

In the pending rejection, it is acknowledged that Hashiguchi fails to disclose the recited independent discharge circuit, and Calsonic Corp. is relied on as curing this deficiency. However, contrary to this conclusion, Calsonic Corp. fails to disclose an independent discharge circuit electrically connected to the battery, nor does Calsonic even imply such a mechanism or circuit. Calsonic performs temperature control by use of a heat retaining unit 34 of a battery 10, in order to maintain the battery at an optimal temperature. However, this function in no way discloses a temperature control system which consists of controlling the temperature with two separate temperature control elements, the heat retaining/releasing unit and the independent discharge circuit, in order to put the battery 10 into operation. Although the Examiner alleges that the heater discharges the heat of the battery independently from the main charging and discharging circuit of the battery, it appears that the Examiner is alleging that the same heat retaining unit 34 cited as corresponding to the heat retaining/releasing mechanism also

corresponds to the independent discharge device. Thus, the pending rejection does not indicate that Calsonic has a two separate temperature control elements. In contrast, amended claim 1, explicitly recites two separate elements for temperature control are provided in the present invention. Thus, it is clear that Calsonic fails to disclose an independent discharge circuit directly coupled to the battery and operates discharge independently from the charge/discharge operation of a main circuit as recited by amended claim 1. Furthermore, as noted in the Office Action, Hashiguchi fails to remedy this deficiency.

In order to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 180 USPQ 580 (CCPA1974). As Hashiguchi and Calsonic Corp., at a minimum, fail to disclose or suggest a battery storing device which includes an independent discharge circuit that is capable of being directly coupled to the battery which can perform discharge independently from the charge/discharge operation of a main circuit, it is clear that both Hashiguchi and Calsonic Corp. do not render amended claim 1 obvious. As such, Applicants respectfully request that the § 103 rejection of amended claim 1, and all pending dependent claims thereon, be withdrawn.

III. All Dependent Claims Are Allowable Because The Independent Claim From Which They Depend Is Allowable

Under Federal Circuit guidelines, a dependent claim is nonobvious if the independent claim upon which it depends is allowable because all the limitations of the independent claim are contained in the dependent claims, *Hartness International Inc. v. Simplimatic Engineering Co.*, 819 F.2d at 1100, 1108 (Fed. Cir. 1987). Accordingly, as claim 1 is patentable for the reasons set forth above, it is respectfully submitted that all pending dependent claims are also in condition for allowance.

IV. Conclusion

Having fully responded to all matters raised in the Office Action, Applicants submit that all claims are in condition for allowance, an indication of which is respectfully solicited.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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